PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. L.S. 2820--L.W.173-51-2, dated 20th October 1951.

The draft of the following rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936, (Central Act IV of 1936) and in supersession of the Mysore Payment of Wages (Procedure) Rules, 1948, issued in Notification No. L. S. 384—L. W. 141-47-6, dated 12th August 1949, is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (5) of the said section.

2. Notice is hereby given that the draft will be taken into consideration after three months from the date of publication of these rules in the *Mysore Gazette*.

3. Objections or suggestions, if any, to the draft rules may be forwarded to the Secretary to Government, Law Department, through the Commissioner of Labour in Mysore, Bangalore, within the said period for consideration. Objections or suggestions received thereafter will not be considered.

DRAFT RULES.

1. These rules may be called the "Mysore Payment of Wages (Procedure) Rules, 1951". Short title.

2. In these rules, unless there is anything repugnant in the subject or context— Definition.

(*a*) "the Act" means the Payment of Wages Act, 1936 (Central Act IV of 1936);

(*b*) "appeal" means an appeal under Section 17;

(*c*) "the Authority" means the authority appointed under sub-section (1) of section 15;

(*d*) "the Court" means the court mentioned in sub-section (1) of section 17;

(*e*) "employer" includes the persons responsible for the payment of wages under section 3;

(*f*) "section" means a section of the Act;

(*g*) "form" means a form appended to these rules;

(*h*) words and expressions used in these rules but not defined, shall be deemed to have the same meaning as in the Act.

Form of application.

3. Applications under sub-section (2) of section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B, or Form C as the case may be, one copy of which shall bear such court-fee as is prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951.

Authorisation

4. The authorisation to act on behalf of an employed person or persons, under section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

Permission to appear.

5. Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which, in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

Presentation of document.

6. (1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during the hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed on each document, the date of the presentation or receipt, as the case may be.

Refusal to entertain application.

7. (1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that—

(*a*) the applicant is not entitled to present an application, Or

(*b*) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15, Or

(*c*) the applicant shows no sufficient cause for making a direction under section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been rectified the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of section 15.

Appearance of parties.

8. (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *exparte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application :

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the applicant re-heard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for re-hearing.

Record of proceedings.

9. (1) The Authority shall in all cases enter the particulars indicated in Form F and the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

Signature on forms.

10. Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Exercise of powers.

11. In exercising the powers of a Civil Court conferred by section 18, the Authority shall be guided in respect of procedure by the relevant orders of the First Schedule to the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter

before him, and save where they conflict with the express provisions of the Act or these rules.

Appeals.

12. (1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the court-fee prescribed in rule 22 of the Mysore Payment of Wages Rules, 1951, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction.

(2) When an appeal is lodged, a notice shall issue to the respondent in Form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary may confirm, vary, or set side the direction from which the appeal is preferred, and shall make an order accordingly.

Inspection documents.

13. Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of the fees fixed under rule 21 of the Mysore Payment of Wages Rules, 1951.

FORM 'A'

Form of individual Application.

(See sub-section (2) of section 15 of the Payment of Wages Act).

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No. .... of 195 .

Between A. B. C. ..... Applicant.

(through a legal practitioner),
an official of

Which is a registered Trade Union.

And X. Y. Z. .... Opposite party.

The applicant states as follows :—

1. A. B. C. is a person employed in/on the .....
Factory/Industrial establishment entitled .....
and resides at .....

The address of the applicant for the service of all notices and processes is.....

2. X. Y. Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is ....

3. (1) The applicant's wages have not been paid for the following wage period (s) (give dates)
Or a sum of (amount) has been unlawfully deducted from his wages of (amount) for the wage period (s) which ended on (give date/s).

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of the relief sought by him at the sum of rupees ....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(*a*) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner, or official of Registered Trade Union duly authorised.

FORM B.

FORM OF GROUP APPLICATION.

(*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act.)

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for.....area.

Application No.....of 195 .

Between A. B. C. and (state the number) others, applicants; (through a legal practitioner/an official of ..... which is a registered Trade Union).

And X. Y. Z. Opposite party.

The applicants state as follows:—

1. The applicants whose names appear in the attached schedule are persons employed in/on the factory/industrial establishment entitled.....

The address of the applicants for the service of all notices and processes is.....

2. X. Y. Z., the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is .....

3. The applicants' wages have not been paid for the following wage period(s):—

4. The applicants estimate the value of the relief sought by them at the sum of rupees.....

5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for:—

(*a*) Payment of the applicants' delayed wages as estimated..... Or such greater or lesser amount at the Authority may find to be due .....

(*b*) Compensation amounting to.....

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a registered trade union duly authorised.

SCHEDULE.

Names of Applicants.

1. .....
2. .....
3. .....
4. .....

FORM C.

Form of Application by an Inspector or persons permitted by the Authority or authorised to act.

(*See* sub-section (2) of section 15 and section 16 of the Payment of Wages Act).

In the Court of the Authority appointed under the Payment of Wages Act, for..... .....area.

Application No. ... . of 195 .

Between A. B. C., (designation) (an Inspector under the Payment of Wages Act) (or a person permitted by the Authority, authorised to act under sub-section (2) of section 15)..... .....Applicant.

And X.Y.Z., the Opposite party.

The applicants states as follows :—

1. X. Y. Z., the opposite party is the person responsible under the Act for the payment of wages to the following person(s) :—

(1) .....
(2) .....
(3) .....

2. His address for the service of all notices and processes is.....

3. The wages of the said person (s) due in respect of the following wage period (s) have not been paid/have been subjected to the following illegal deductions :—

4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs:..... .....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for :—

(*a*) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to .....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature

FORM D.

CERTIFICATE OF AUTHORISATION.

I/We, employed person(s) hereby authorise a legal practitioner/an official of ..... which is a registered trade union to act on my/our behalf under section 15, and section 17 of the Payment of Wages Act (IV of 1936) in respect of the claim against.....on account of the delay in payment of/illegal deductions from my/our wages.

Witnesses (1) .....
(2) .....
(3) .....
(4) .....

Signature(s) (1) .....
(2) .....
(3) .....
(4) .....

I accept the authorisation.

Signature.

Legal Practitioner/Official of a Registered Trade Union.

FORM E.

NOTICE FOR THE DISPOSAL OF APPLICATION.

To .....

.....

.....

WHEREAS under the Payment of Wages Act, 1936, (Central Act IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on day of .....195 , at o'clock in the fore-after-noon to answer the claim ; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day abovementioned, the application will be heard and determined in your absence.

Given under my hand and seal, this..... .....day of.....
.....195 .

(Seal)

Authority

FORM F.

RECORD OF DIRECTION.

(1) Serial Number.
(2) Date of application.
(3) Name or names, parentage address or addresses of the applicants, or some, or all of the applicants belonging to the same unpaid group.
(4) Name and address of the employer.
(5) Amount claimed :—
  (*a*) as delayed wages ; Rs.
  (*b*) as deducted from wages ; Rs.
(6) Plea of the employer and his examination (if any) :—
(7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor :—

Rs.

(8) Amounts awarded :—
  (*a*) Delayed wages.
  (*b*) Deducted wages.
(9) Compensation awarded.
(10) Penalty imposed.
(11) Costs awarded to :—
  (i) Court fee charges.
  (ii) Pleader's fee.
  (iii) Witnesses expenses.

Signed.....
Dated.....

Note.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G.

Notice to Respondent of the day fixed for the hearing of the Appeal under Section 17 of the Payment of Wages Act, 1936.

Appeal from the decision of the Authority for the area, dated..... day of .....195[illegible].

Respondent.

To

Take notice that an appeal of which a copy is enclosed from the decision of the Authority for.....area has been presented by X. Y. Z. (and others), and registrered in this Court, and that the .....day of.....195 , has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this day..... ..... of .....195 .

Judge.

(Seal of the Court).

.....

By Order of His Highness the Maharaja,

No. L.S. 282?—L.W. 173-51-3, dated 20th October 1951.

The draft of the following rules which it is proposed to make in exercise of the powers conferred by sub-section (2) of Section 26 of the Payment of Wages Act, 1936 (Central Act IV of 1936) and in supersession of the Mysore Payment of Wages Rules, 1948, issued in Notification No. L. S. 382—L.W. 141—47-5, dated 12th August 1949, is hereby published for the information of all persons likely to be affected thereby, as required by sub-section (5) of the said Section.

2. Notice is hereby given that the draft will be taken into consideration after three months from the date of publication of these rules in the *Mysore Gazette*.

3. Objections or suggestions, if any, to the draft rules may be forwarded to the Secretary to Government, Law Department, through the Commissioner of Labour in Mysore, Bangalore, within the said period for consideration. Objections or suggestions received thereafter will not be considered.

Draft rules under the Payment of Wages (Central) Act, 1936.

Title. 1. These rules may be called the "Mysore Payment of Wages Rules, 1951".

Definition. 2. In these rules, unles there is anything repugnant in the subject or context :—

(*a*) "the Act" means the Payment of Wages Act, 1936, (Central Act IV of 1936);

(*b*) "the Authority" means the authority appointed under sub-section (1) of Section 15 of the Act ;

(*c*) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of Section 10 of the Factories Act, 1948 (Central Act LXIII of 1948);

(*d*) "the Court" means the court mentioned in sub-section (1) of Section 17 of the Act;

(*e*) "deduction for breach of contract" means a deduction made in accordance with the provision of the proviso to sub-section (2) of Section 9 ;

(*f*) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of Section 7 ;

(*g*) "Employer" includes the persons responsible for the payment of wages under section 3 of the Act ;

(*h*) "Form" means a form appended to these rules;

(*i*) "Inspector" means the Inspector authorised by or under Section 14 of the Act;

(*j*) "person employed" does not include any person to the payment of whose wages the Act does not apply;

(*k*) "section" means a section of the Act;

(*l*) "words and expressions used in these Rules but not defined, shall be deemed to have the same meaning as in the Act.

Register of fines.

3. (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, the employer shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

Register of deductions for damage or loss

4. In every Factory in which deductions for damage or loss are made the employer shall maintain the Register required by sub-section (2) of Section 10 in Form II.

Register of Wages.

5. A Register of Wages shall be maintained in every Factory and may be kept in such form as the employer finds convenient but shall include the following particulars:—

(*a*) the gross wages earned by each person employed for each wage period;

(*b*) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of Section 7 under which the deduction is made;

(*c*) the wages actually paid to each person employed for each wage period and the date of payment;

Maintenance of registers.

6. The registers required by rules 3, 4, 5 and 17 shall be preserved by the employer for twelve months after the date of the last entry made in them.

If maintained in any language other than Kannada, a true translation thereof in English shall be maintained.

Weights, Measures and Weighing Machines.

7. All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory shall be examined in accordance with the provisions of the Mysore Weights and Measures Act, 1902. If an Inspector considers that any action should be taken under the said Act, or the rules made thereunder, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act for necessary action.

Notice of dates of payment.

8. The employer shall display, in a conspicuous place at or near the main entrance of the factory, a notice in English and in the language of the majority of the persons employed therein showing the days on which wages are to be paid.

Prescribed authority.

9. The Chief Inspector of Factories shall be the authority competent to approve under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of Section 8, the purposes to which the proceeds of fines shall be expended.

Application in respect of fines.

10. Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9 :—

(*a*) a list, in English, in duplicate, clearly defining such acts and omissions;

(*b*) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing, by virtue of office, such of his subordinates as may pass orders imposing fines and the class of establishment on which any such subordinate may impose fine.

Approval of lists.

11. The authority appointed under rule 9 on receipt of the lists prescribed in the sub-rule (a) of rule 10 may,

after such enquiry as he considers necessary, pass orders either :—

(*a*) disapproving the list,

(*b*) approving the list either in their original form or as amended by him, in which case such list shall be considered to be approved list :

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

Posting of list.

12. The employer shall display at or near the main entrance of the factory a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

Persons authorised to impose fines.

13. No fine may be imposed by any person other than an employer, or a person holding an appointment named in the list referred to in clause (b) of rule 10.

Procedure of imposing fines and deductions.

14. Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

Information to employer.

15. The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is an employer) at once inform the employer of all particulars necessary for the completion of the register prescribed in Rule 3 or Rule 4, as the case may be.

Deductions for breach of contract.

16. (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from wages of any employed person unless :—

(*a*) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment ; and

(i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less ; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(*b*) this rules has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;

(*c*) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (*c*) of sub-rule 2, no such deduction shall be made from any person who has complied with the conditions.

Advances

17. (1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalments shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the re-payments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances under sub-rule (1) shall not exceed six and one-fourth per cent per annum.

Annual Return.

18. The employer shall send a return in Form IV in respect of every factory so as to reach the authority appointed under rule 9 not later than the 15th of May following the end of the calendar year to which it relates.

Display of rates of wages.

19. In every cotton spinning and weaving factory and in every artificial silk factory, a notice shall be displayed by the employer in each department of the factory, specifying the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervision or management or those who are employed in a confidential position.

Costs.

20. (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, it shall state his/its reasons for so doing in writing.

(2) The costs which may be awarded shall include—

(*a*) the charges necessarily incurred on account of court-fees;

(*b*) the charges necessarily incurred on subsistence money to witnesses; and

(*c*) Pleader's fees which shall ordinarily be Ten Rupees, provided that the Authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Five Rupees or increase it to a sum not exceeding Thirty-Rupees.

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

Fees.

21. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or Court, as the case may be:

Provided that the Authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

22. The fee payable in respect of proceedings under the Act shall be—

(i) For every application to summon a witness.	Four annas in respect of each witness.
(ii) For every other application made by or on behalf of an individual person before the Authority.	Eight annas.
(iii) For every other application made by or on behalf of an unpaid group before the Authority.	Four annas for each member of the group, subject to a maximum of five rupees.
(iv) For every appeal lodged with the Court.	Five rupees.

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit the fee:

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

Abstracts.

23. The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

Penalties.

24. Any breach of rules 3, 4, 5, 6, 8, 12, 15, 18 and 19 of these rules shall be punishable with fine which may extend to two hundred rupees.

FORM I.

REGISTER OF FINES.

Name of Factory :—

Name of operative fined	Father's name or Ticket number	Department	Act or omission for which fine was imposed.	Amount of fine	Designation of officer imposing fine	Date on which fine was imposed	Whether workman showed cause against fine or not. If so, enter date.	Wages payable*		Total amount of fines	Date or dates on which fines or total fines were recovered	Remarks
								Amount	Wage period†			
1	2	3	4	5	6	7	8	9	10	11	12	13

*By "Wages payable" is meant the gross wages earned by a workman for time workers, the wages due for the pay period less deductions for absence from duty: for piece workers the wages due on production—in both the cases without deductions for fines or for services rendered by the employer.

†Here enter month if payment is made by the English calendar month. In the case of other pay periods, enter "week" or "fortnight" as the case may be, giving the dates covered by the pay period.

FORM II

Register of Deductions for Damage or Loss caused to employers through the neglect or default of employed persons in respect of goods expressely entrusted to them for custody.

Name of Factory :—

Serial No.	Name	Father's name or Ticket number	Department	Damages or loss caused	Amount of deduction imposed	Designation of officer imposing deduction	Date when deduction imposed	Whether worker showed cause against deduction or not	No. of instalments, if any, in which deduction is proposed to be recovered	Date on which total amount of deduction imposed was realized.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

FORM III.

Register of advances made to employed persons.

Name of Factory.....

Sl. No.	Name	Father's name or Ticket number	Department	Date and amount of advance made	Purpose(s) for which advance made	No. of instalments by which advance to be repaid	Postponements granted	Date on which total amount repaid	Remarks
1	2	3	4	5	6	7	8	9	10

FORM IV.

Deduction from Wages.

Return for the year ending 31st December 195 .

1. (*a*) Name of the Factory ...
   (*b*) Postal address ...
   *(*c*) Class of Factory ...

†2. Average number of workers employed daily: —

‡ on day shift ...	.....	(Men).
	.....	(Women).
on night-shift ...	.....	(Men).
Total ...		

†3. Actual number of days worked during the year :—
   ‡ on day-shift.
   ‡ on night-shift.

4. Total wages paid including deductions under clauses (*d*) to (*j*) of sub-section (2) of Section 7 of the Payment of Wages Act, 1936, but not other deductions :—

	Rs. a. p.
(Men) ...	...
(Women) ...	...
Total ...	

5. Number of cases and amount realized as—

No. of Cases.	Amount.
	Rs. a. p.
(*a*) Fines ...	...
(*b*) Deductions for damage or loss	...
(*c*) Deductions for breach of contract	...

6. Disbursement from fine fund :—

Amount.	Purpose.
Rs. a. p.	

Signature.....

Dated.....195 . *Designation* ....

* *e.g.*—Cotton Mill, Iron Foundry, Flour Mill, etc.

† Information should only be given for those workers whose wages payable are less than Rs. 200 per month.

‡ If any factory runs more than two shifts, the information should be given separately for each shift, *e.g.*, first shift, second shift and third shift.

FORM V.

Abstract of the Payment of Wages Act, 1936, and the Rules made thereunder.

Whom the Act affects.

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.

2. No employed person can give up by contract or agreement, his rights under the Act.

Definition of Wages.

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of proper notice of discharge.

It excludes—

(*a*) the value of house accommodation, supply of light, water, medical—attendance, or other amenity or of any service excluded by the State Government;

(*b*) the employer's contribution to a pension or provident fund;

(*c*) travelling allowance or concession or other special expenses entailed by the employment;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;

(*e*) any gratuity payable on discharge.

Responsibility for and method of Payment.

4. The Manager of the factory is responsible for the payment under the Act of wages to persons employed in the factory, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within seven days of the end of the wage-period (or within ten days if one thousand or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day from the day on which his employment is terminated.

7. Payments in kind are prohibited.

Fines and Deductions.

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the Factory and after giving the employed person an opportunity for explanation.

(2) Fines—

(*a*) shall not exceed half-an-anna in the rupee ;

(*b*) shall not be recovered by instalments, or later than sixty days of the date of imposition ;

(*c*) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Chief Inspector of Factories ;

(*d*) shall not be imposed on a child.

10. (*a*) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(*b*) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

(1) no deduction for breaking a contract can be made from a person under fifteen years of age or a woman ;

(2) there must be a provision in writing forms part of the contract of employment requiring that a specific period of notice of intention to cease work not exceeding fifteen days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice ;

(3) the above provision must be displayed at or near the main entrance of the factory ;

(4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory ;

(5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the State Government.

13. (*a*) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.

(*b*) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(*c*) Advances of unearned wages can be made at the employer's discretion during employment.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the State Government or to the Insurance of the Mysore Government Insurance Department subject to any conditions imposed by the State Government.

INSPECTIONS.

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking evidence) as he may deem necessary for carrying out the purposes of the Act.

COMPLAINTS OF DEDUCTIONS OR DELAYS.

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

ACTION BY THE AUTHORITY.

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

APPEAL AGAINST THE AUTHORITY.

19. An appeal against a direction made by the Authority may be preferred, within 30 days to the District Court—

(*a*) by the employer if the total amount directed to be paid exceeds Rs. 300;

(*b*) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs 50;

(*c*) by a person directed to pay a penalty for a malicious or vexatious application.

PUNISHMENTS FOR BREACHES OF THE ACT.

20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine up to Rs. 500 but only if prosecuted with the sanction of the Authority or the Appellate Court.

21. The employer, who—

(i) does not fix a wage-period, or

(ii) makes payment in kind, or

(iii) fails to display at or near the main entrance of the factory of this abstract in English and in the language of the majority of the employed persons, or

(iv) contravenes certain rules made under the Act,

is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

No. A.F. 6741—Mart. 13-51-16, dated Bangalore, 24th October 1951.

Under Section 5 of the Mysore Agricultural Produce Markets Act (No. XVI of 1939), His Highness the Maharaja of Mysore is pleased to declare that the following Taluks shall be constituted to be represented on the Market for the Market Constituted under Notification No. A.F. 6653—Mart. 13-51-15, dated 22nd October 1951.

(1) Ramanagaram
(2) Channapatna
(3) Maddur
(4) Kankanhalli
(5) Malavalli

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.